

In the Court of Criminal Appeals
 of Texas

The State of Texas

vs.

Leonardo Fabio Garcia,
 Appellee

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 § PD-0183-21
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FILED
 COURT OF CRIMINAL APPEALS
 7/14/2021
 DEANA WILLIAMSON, CLERK

Motion for Extension of Time

To the Honorable Judges of the Court of Criminal Appeals:

Mr. Leonardo Fabio Garcia, by and through his assistant public defender Jani J. Maselli Wood, respectfully moves the Court to grant an extension of time to file the brief in this case. In support of this motion, the following is submitted:

I.

On April 21, 2021, this Court granted the State's petition for discretionary review in cause number 14-20-00548-CR. The State's brief was filed on May 20, 2021. On June 2, 2021, Mr. Garcia's counsel at the Court of Appeals, Elaine Morley, informed this Court that she would no longer be representing him.

II.

On June 2, 2021, this Court issued an Order directing the trial court to determine whether Mr. Garcia was indigent and if so, to appoint him counsel. The Order also stated that a supplemental record was due by July 2, 2021. On June 23, 2021, the trial court entered an order appointing undersigned counsel to represent Mr. Garcia:

No. 2309523

Pgs-1

THE STATE OF TEXAS

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IN THE COUNTY CRIMINAL

VS.

COURT AT LAW NUMBER 8

LEONARDO GARCIA

OF HARRIS COUNTY, TEXAS

ADDO
ATAC
997

ORDER APPOINTING APPELLATE COUNSEL

Pursuant to Local Rule 24.5.4.3, the Court appoints Jani Maselli Wood of the Harris County Public Defender's Office (TBN 00791195) for the purposes of appeal.

SIGNED AND ENTERED on this the ____ day of _____, 2021.

Signed:
6/23/2021



JUDGE PRESIDING

On June 23, 2021, undersigned counsel filed a notice of appearance of counsel with this Honorable Court.

III.

When undersigned counsel was appointed to represent Mr. Garcia, she was in San Antonio giving a presentation to public defenders. On June 24, 2021, counsel gave another presentation at the Rusty Duncan seminar and was out of the office until June 28, 2021.

IV.

Upon returning to her office and viewing the Order from this Court, counsel erroneously believed the brief would be due 30 days from the appointment of counsel on June 23, 2021. Undersigned counsel apologizes to the Court for this error. Undersigned counsel should have checked the TAMES website to see that the supplemental record *and* the brief were both due July 2, 2021. Counsel takes full responsibility for this error.

V.

Counsel would respectfully request the Court's indulgence in granting a 10 day extension of time until July 23, 2021 - which would be 30 days from the appointment of counsel.

VI.

Undersigned counsel did not represent Mr. Garcia in the trial court or at the Court of Appeals. Counsel recognizes this request is unusual and again understands the burden it places upon this Court and the State, but would respectfully request an additional 10 days.

Counsel prays this Honorable Court will grant a 10 day extension to file the brief.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County Texas
/s/ Jani Maselli Wood

JANI MASELLI WOOD
Assistant Public Defender
Harris County Texas
State Bar Texas Number 00791195
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CERTIFICATE OF SERVICE

Pursuant to Tex. R. App. Proc. 9.5, this certifies that on July 13, 2021, a copy of the foregoing was emailed to counsel for the state (through texfile.com) at the following address:

Melissa Strykerstryker_melissa@dao.hctx.net
Assistant District Attorney

Stacey M. Soule
information@spa.texas.gov

/s/ Jani Maselli Wood

JANI MASELLI WOOD

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jani Maselli
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Status as of 7/14/2021 8:52 AM CST

Associated Case Party: The State of Texas

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Melissa Stryker	24053741	Stryker_Melissa@dao.hctx.net	7/13/2021 9:29:18 PM	SENT
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ANGELA CAMERON		angela.cameron@pdo.hctx.net	7/13/2021 9:29:18 PM	SENT

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